

## REMARKS

Claims 1-44 were previously pending in this patent application. Claims 1-44 stand rejected. Herein, Claims 1, 5, 8, 15, 20, 24, and 35 have been amended. Accordingly, after this Amendment and Response After Final Action, Claims 1-44 remain pending in this patent application. Further examination and reconsideration in view of the claims, remarks, and arguments set forth below is respectfully requested.

### 35 U.S.C. Section 103(a) Rejections

Claims 1-44 stand rejected under 35 U.S.C. Section 103(a) as being unpatentable over Ice, U.S. Pat. No. 5,884,031 (hereafter Ice), in view of Grau et al., U.S. Pat. No. 5,818,906 (hereafter Grau), and in view of Ishida, U.S. Pat. No. 6,122,259 (hereafter Ishida), and. These rejections are respectfully traversed.

Claim 1 recites (as amended):

A method of communicating broadcast information comprising the steps of:

a) receiving, at a transmission scheduler, a request from a first user device for digital broadcast information and causing a server to communicate a first stream representing digital broadcast information to said first user device in response to instructions from said transmission scheduler wherein said server and said first user device are coupled to the Internet;

b) receiving, at said transmission scheduler, a request from a second user device for digital broadcast information and causing said server to communicate a second stream representing said digital broadcast information to said second user device in response to instructions from said transmission scheduler wherein said second user device is coupled to the Internet;

c) receiving, at said transmission scheduler, a request from a third user device for digital broadcast information and causing said first user device to communicate a third stream representing said digital broadcast information to said third user device in response to instructions from said transmission scheduler wherein said third user device is coupled to the Internet;

d) receiving and rendering, concurrently, said digital broadcast information on said first, second and third user devices, wherein said

user devices form one or more communication chains, wherein each communication chain has one or more tiers, and wherein a sum of user devices in corresponding tiers of said communication chains is variable;

e) for each user device, registering with and periodically sending status update messages to said transmission scheduler that is separate from said server and said user devices; and

f) at said transmission scheduler, using said status update messages to initiate changes in said communication chains among said server and said user devices to provide active monitoring and managing functionality. (emphasis added)

It is respectfully asserted that the combination of Ice, Grau, and Ishida, does not disclose all the claim limitation of Independent Claim 1. At page 3 of the Final Office Action, it is stated that Ice supports transmitting requests for information from a subscriber terminal to a server. However, Independent Claim 1 is directed to receiving, at a transmission schedule, a request from user devices for digital broadcast information and is directed to causing communication of the digital broadcast information in response to instructions from the transmission scheduler, wherein the transmission scheduler is separate from the server and the user devices. Independent Claim 1 is clearly patently distinct from Ice because Ice does not disclose the transmission scheduler and does not disclose action caused in response to instructions from the transmission scheduler. Also, Independent Claim 1 is clearly patently distinct from Ice because Ice teaches away from Independent Claim 1 by showing transmissions of requests for information occurring between a subscriber terminal (which is not a transmission scheduler) and a server (which is not a transmission scheduler) and occurring between subscriber terminals (which are not transmission schedulers). Further, Ishida is used to support the teaching of providing concurrent reception and rendering. However, Ishida fails to disclose a transmission scheduler, as in Independent Claim 1.

Continuing, the Final Office Action at pages 2 and 6 asserts that the limitation “transmission scheduler that is separate from the server and the user devices” reads on the cable control unit (CCU) 102 of Grau's Figure 1, whereas the server corresponds with the combiner 108 of Grau's Figure 1. This assertion is incorrect. First, Independent Claim 1 is directed to each user device sending status update messages to the transmission scheduler while the CCU 102 of Grau is directed to generating connection event messages to forward/relay to the Traffic Analysis and Network Planning System (TANPS) 116 of Grau. (See Figure 17; Col. 2, line 67 to Col. 2, line 2; Col. 5, lines 9-13; Col. 5, lines 41-45; Col. 7, lines 7-63; Col. 8, lines 1-43). Secondly, Independent Claim 1 is directed to, at the transmission scheduler, using the status update messages to initiate changes in the communication chains among the server and the user devices to provide active monitoring and managing functionality. In contrast, the TANPS 116 of Grau instead of the CCU 102 uses and processes the connection event messages and executes a management procedure (e.g., determining whether additional resources are required to increase the capacity of the system, analyzing channel utilization and balancing channels, analyzing service area loading and balancing loading between two service areas, etc.), where the management procedure corresponds to changes in the network system. Thus, Grau also fails to disclose a transmission scheduler, as in Independent Claim 1.

As discussed above, the combination of Ice, Grau, and Ishida does not disclose all the claim limitations of Independent Claim 1. Therefore, it is respectfully submitted that Independent Claim 1 is patentable over the combination of Ice, Grau, and Ishida and is in condition for allowance.

Dependent Claims 2-7 are dependent on allowable Independent Claim 1, which is allowable over the combination of Ice, Grau, and Ishida. Hence, it is respectfully submitted that Dependent Claims 2-7 are patentable over the combination of Ice, Grau, and Ishida for the reasons discussed above.

With respect to Independent Claims 8, 15, 24, and 35, it is respectfully submitted that Independent Claims 8, 15, 24, and 35 recite similar limitations as in Independent Claim 1. Therefore, Independent Claims 8, 15, 24, and 35 are allowable over the combination of Ice, Grau, and Ishida for reasons discussed in connection with Independent Claim 1.

Dependent Claims 9-14, Dependent Claims 16-23, Dependent Claims 25-34, and Dependent Claims 36-44 are dependent on allowable Independent Claims 8, 15, 24, and 35 respectively, which are allowable over the combination of Ice, Grau, and Ishida. Hence, it is respectfully submitted that Dependent Claims 9-14, Dependent Claims 16-23, Dependent Claims 25-34, and Dependent Claims 36-44 are patentable over the combination of Ice, Grau, and Ishida for the reasons discussed above.

### CONCLUSION

It is respectfully submitted that the above claims, arguments and remarks overcome all rejections. All remaining claims (Claims 1-44) are neither anticipated nor obvious in view of the cited references. For at least the above-presented reasons, it is respectfully submitted that all remaining claims (Claims 1-44) are in condition for allowance.

The Examiner is urged to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

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Respectfully submitted,

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